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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

NEW UTILITY PATENT APPLICATION TRANSMITTAL

(only for new nonprovisional applications under
37 CFR 1.53(b))

Attorney Docket Number 18864-06052US

First Named Inventor Robert J. Bernardi

Title Auto-Adjust Noise Canceling
Microphone With Position Sensor

Express Mail Label No. EL566201015US

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form (in duplicate)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification Total Pages
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference(s) to Related Case(s)
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawing(s)
 - Detailed Description
 - Claim or Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets
5. Oath or Declaration
 - a. ☒ New Declaration and Power of Attorney Total Pages
 - ☒ Unexecuted
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) (if foreign priority
is claimed)
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☐ Information Disclosure Statement & PTO-1449
☐ Copies of IDS Citation(s)
13. ☒ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an
Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____/____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box
5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number and Bar Code Label



00758

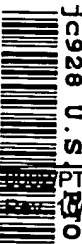
Name (Print/Type)	Martin S.C. Loui	Registration No. (Attorney/Agent)	43,411
Signature	<i>Martin S. Loui</i>	Date	May 11, 2001

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EL566201015US

PTO/SB/17 (10-00)(modified)
 Approved for use through 09/29/01, OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO(modified) U.S. Department of Commerce
 05/2000 Patent and Trademark Office

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$1734.00)**

Complete if Known

Application Number	Not yet known
Filing Date	May 11, 2001
First Named Inventor	Robert J. Bernardi
Group Art Unit	Not yet known
Examiner Name	Not yet known
Attorney Docket Number	18864-06052US

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to:

☐ Charge the indicated fees to the below mentioned deposit account.

☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. ¹

☐ Applicant claims small entity status See 37 CFR 1.27

Deposit Account Number: 19-2555
 Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. ☒ Payment Enclosed:
☒ Check ☐ Credit Card ☐ Other

FEE CALCULATION (fees effective 10/01/2000)

4. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	710
106/\$320	206/\$160	Design Filing	
108/\$710	208/\$355	Reissue	
114/\$150	214/\$75	Provisional Filing	
SUBTOTAL (1)			(\$) 710

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$80	202/\$40	Independent claims in excess of 3
104/\$270	204/\$135	Multiple dependent claim
109/\$80	209/\$40	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	
147/\$2,520	147/\$2,520	For filing a request for reexamination	
115/\$110	215/\$55	Extension for response within first month ¹	
116/\$390	216/\$195	Extension for response within second month ¹	
117/\$890	217/\$445	Extension for response within third month ¹	
118/\$1,390	218/\$695	Extension for response within fourth month ¹	
128/\$1,890	228/\$945	Extension for response within fifth month ¹	
119/\$310	219/\$155	Notice of Appeal	
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	
143/\$440	243/\$220	Design Issue Fee	
122/\$130	222/\$130	Petitions to the Commissioner	
126/\$180	226/\$180	Submission of Information Disclosure Statement	
179/\$710	279/\$355	Request for Continued Examination (RCE)	
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify):			
Other fee (specify):			
SUBTOTAL (3)			(\$)0.00

(Col. 1)		(Col. 2)		(Col. 3)			
For	No. of Existing Claims	minus*	Highest No. Previously Paid For	=	Extra**	x	Fee
TOTAL	68	minus*	20 or 0	=	48	x	18
INDEP	5	minus*	3 or 0	=	2	x	80
[] First presentation of multiple dependent claim							

* Subtract the greater number of Col. 2
 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) **(\$)1024**

SUBMITTED BY

Typed or Printed Name	Martin S.C. Loui	Complete (if applicable)	
Signature	<i>Martin S.C. Loui</i>	Reg. Number	43,411
		Date	May 11, 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Robert J. Bernardi

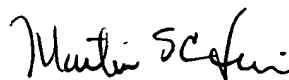
Title Auto-Adjust Noise Canceling Microphone With
Position Sensor

Atty Docket Number 18864-06052US

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 11, 2001

Date



Signature

Martin S.C. Loui/Reg. No. 43,411

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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